

Notice of Allowability

Application No.

09/674,479

Examiner

Preeti Kumar

Applicant(s)

BUSCH ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 19, 2004.
2. ☒ The allowed claim(s) is/are 1, 2, 22-35, renumbered 1-16.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Claims 1, 2, and 22-35 are pending.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Julie McConihay on Wednesday August 25, 2004.

3. The application has been amended as follows:

The claims:

In claim 1, lines 7 and 10, insert –wherein said amino acid sequence comprising a cellulose binding domain binds the cellulase to a cellulosic substrate—after the word “cellulose binding domain”.

Response to Amendment

4. The rejection of claims 1, 2 and 22-35 rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler et al. (US 6,268,196) in view of Schulein et al. (US 6,117,664) is withdrawn in light of applicant's arguments filed April 19, 2004 and in view of the Examiner's Amendment above.

Reasons For Allowance

5. The following is an examiner's statement of reasons for allowance: Claims 1, 2, 22-35, renumbered 1-16, are allowable upon consideration of applicant's arguments and the examiner's amendment above.

6. The prior art most pertinent to the instant claims is Fowler et al. (US 6,268,196).

Fowler et al. teach the utility of cellulases derived from *Humicola insolens* or *Trichoderma longibrachiatum* (previously classified as *Trichoderma reesei*) in the treatment of cellulose containing fabrics via a linker region to a cellulose binding domain subunit. However, Fowler et al. teach detergent compositions comprising a truncated cellulase binding domain not possessing the significant hydrolytic activity for cellulase binding activity. Fowler et al. do not teach or suggest the claimed modified enzyme comprising a cellulose binding domain having cellulose binding activity to bind the cellulase to a cellulosic substrate. And it would not have been obvious to one of ordinary skill in the art to link a cellulolytic enzyme EGI to an amino acid sequence comprising a cellulose binding domain having cellulose binding activity because the prior art teaches linking the cellulolytic enzyme EGI to a cellulose binding domain that does not possess the catalytic activity for cellulose binding activity.

None of the prior art of record do not teach or suggest a modified cellulolytic EGI enzyme derived from *Humicola insolens* or *Trichoderma reesei* having the properties as recited by the instant claims linked to a cellulose binding domain having cellulose binding activity as recited by the instant claims.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

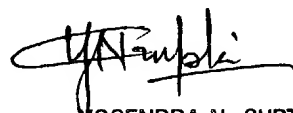
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PK



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